IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

WA.No. 18 of 2005()

AGAINST THE JUDGEMENT/ORDER IN WPC.25568/2004 Dated 25/08/2004
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APPELLANTS:RESPONDENTS
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1. STATE OF KERALA REP. BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF HEALTH & FAMILY WELFARE, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF HEALTH SERVICE, THIRUVANANTHAPURAM.

3. THE DISTRICT MEDICAL OFFICER HEALTH, KANNUR.

BY GOVERNMENT PLEADER SRI.SANDESH RAJA

RESPONDENTS:
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1. ELSAMMA GEORGE.K., JUNIOR PUBLIC HEALTH NURSE, PHC THILLENKERY, P.O.THILLENKERY, KANNUR DISTRICT.

2. GEETHA.P.M., JUNIOR PUBLIC HEALTH NURSE, PHC VENGAD, P.O.PATHIRIYAD, KANNUR DISTRICT.

3. AMBIKA.T., JUNIOR PUBLIC HEALTH NURSE, PHC MALOOR, P.O.MALOOR, KANNUR DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 30/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.

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W.A. NO. 18 OF 2005

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Dated this the 30th day of May, 2007

J U D G M E N T

Radhakrishnan, J.

The matter is already covered by a Full Bench decision of this Court reported in **State of Kerala v. Ponnamma (2005(4) KLT 987)**. In the circumstances, the writ appeal is allowed and the judgment of the learned Single Judge is set aside.

2. Counsel appearing for the contesting respondents submitted that they may be permitted to move the Government invoking Rule 39 of General Rules. They may do so about which we express no opinion.

The writ appeal is disposed of in terms of the judgment of the Full Bench.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp